

Today, Rep. Pete Stark (D-CA) and several colleagues introduced H.R. 2663, the “Contact Lens Prescription Release Act of 2001.” This bipartisan legislation would require the Federal Trade Commission to promulgate a rule requiring eyecare professionals to release contact lens prescriptions, just as they are required to release eyeglass prescriptions.

“Contact lens wearers should have the same access to their prescriptions that eyeglass wearers currently enjoy,” Rep. Stark said. “Yet the FTC has repeatedly failed to update its rule and extend its prescription release to include contact lenses. This practice discriminates against millions of consumers. Without their prescriptions, consumers must purchase their contact lenses through their prescribing doctor, preventing them from shopping around for the best value and the best quality products. My bill would correct this glaring problem.”

Currently, consumers throughout the United States enjoy unobstructed access to their eyeglass prescriptions. This access was provided under the 1973 Federal Trade Commission regulation requiring the automatic release of eyeglass prescriptions. At the time, contact lenses were merely a promising new eye technology product and they were understandably not included in the regulation. The contact lens market looks very different today, however. Approximately thirty-four million Americans wear contact lenses, and contact lenses are fast replacing eyeglasses as the corrective instrument of choice for consumers.

Despite this trend, in most states, prescribing eye care professionals can refuse to release contact lens prescriptions – even after patients complete the initial fitting process and even to longtime contact lens wearers who simply need their time-limited prescriptions renewed. Eye doctors cite health concerns in refusing to release these prescriptions, but in reality, they have a strong financial incentive to restrict their patients’ access to their prescriptions. Without their contact lens prescription, consumers are often forced to purchase contact lens from their prescribing eye doctor.

Lisa McGiffert of Consumers Union, who has endorsed the bill, states: “Swift rulemaking action by the FTC will bring a new day to consumers whose eye doctors deny them the basic right that eyeglasses wearers have had for decades – the right to shop around and save money in a competitive marketplace.”

The Contact Lens Prescription Release Act would ensure that eyecare professionals release a patient’s contact lens prescription to the patient and, upon request, to an agent of the patient, such as an alternate contact lens distributor. Furthermore, eyecare professionals must promptly verify prescription information when an agent of the patient contacts them for such verification. To ensure that consumers are protected from misleading advertisements, this bill would also

make it an unfair trade practice to state or imply that contact lenses can be purchased without a valid prescription.

Rep. Stark concluded: "Eye doctors have no business profiting by holding their patients' prescriptions hostage. The law should not be inconsistent by requiring the disclosure of eyeglass prescriptions but not contact lens prescriptions. More fundamentally, there is no reason why any American should be denied the basic right to receive their prescription, whether they wear eyeglasses, contact lenses, or both. My legislation will address these inconsistencies. I hope my colleagues will join me in passing this important bill."